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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,037

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Adriaan Van Eeden

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03/05/2009

WYATT, TARRANT & COMBS, LLP

1715 AARON BRENNER DRIVE

SUITE 800

MEMPHIS, TN 38120-4367

EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT

PAPER NUMBER

3618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,037

Applicant(s)

VAN EEDEN, ADRIAAN

Examiner

CYNTHIA F. COLLADO

Art Unit

3618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites, "the aid is without at least substantial external aid if at all inter-convertible between at" in line 6 is unclear. Examiner suggests that applicant revises or rewrites all of the claims. Appropriate action is required.

Claim 37 recites, "at least provides for being fitted with a drive wheel arrangement if not incorporating such thus forming a drive wheel arrangement carrying user accommodating " in lines 6-7 is unclear. Examiner suggests that applicant revises or rewrites all of the claims. Appropriate action is required.

Claims 27 and 39, line 2, "fro" should read "from". Appropriate action is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Andes (US Patent No. 6,443,252).

Regarding claim 25, as best understood, Andes discloses a multi directionally propellable wheeled carrier facility (fig 1,element 10) that is fitted with user controllable, powerable propulsion means (fig 1,element 30) arranged to drive the aid (fig 1,element 10) via a drive wheel arrangement (col 4,lines 22-41) and which aid (fig 1,element 10) is formable by a user into a variety of conditions of use characterized in that the aid (fig 1,element 10) is without at least substantial external aid if at all inter-convertible between at least two of a walk support providing condition in which it, in serving as walk supporter (fig 1, element 24), provides for a user to be positioned within a conventionally walker fashion extending semi enclosing frame (fig 1, element 24) forming part of the facility (fig 1,element 10) in the appropriate case involving the latter's suitable re-adjustment, a sitting transporter type condition in which it serves as a sitting transporter (fig 1,element 16) on appropriate manipulation relative to if not fitting of at least part of a seat arrangement (fig 1,element 16) to the carrier facility (fig 1,element 10) in the appropriate case also involving the latter's suitable re-adjustment, and a standing transporter providing condition in which it serves as a standing transporter (fig 1) as brought about by the appropriate removable positioning of a standing base (fig 1,element 40) relative to the carrier facility (fig 1,element 10) including the use of the semi enclosing frame (fig 1,element 24) with the propulsion means (fig 1,element 30) being arranged to at least be employable for propelling the aid when in its sitting or

standing transporter (fig 1) providing condition to whichever condition the aid (fig 1,element 10) is convertible if not to both, and in that the carrier facility (fig 1,element 10) incorporates a drive wheel arrangement carrying user accommodating part (col 4,lines 22-41) of which the semi-enclosed frame (fig 1,elemnt 24) forms part and that is arranged to at least one of holding the seat arrangement (fig 1,element 16) when the aid is in its sitting transporter providing condition and at least partly serving for mounting the standing base (fig 1,element 40) once the aid (fig 1,element 10) is inter-converted into its standing transporter providing condition, to at least one of whichever conditions the aid is inter-convertible into, while the user accommodating part (fig 1,element 12) is used as such once the facility (fig 1,element 10) is converted into its walk support providing condition if thus inter-convertible, and a wheeled base frame (fig 1,element 20), to which the user accommodating part (fig 1,element 12) is displaceably mounted while being biased by biasing means relative to the base frame (fig 1,element 40) to a condition of drive wheel arrangement disengagement from a rolling base onto which the aid is situated once in use thereby enabling the powerable propulsion of the aid when in its appropriate condition, once the user accommodating part (fig 1,element 12) is exposed to a downward exerted force as brought about at least once the aid, as appropriately converted, is occupied owing to causing the drive wheel arrangement (col 4,lines 22-41) to come into rolling engagement with such rolling base.

Regarding claims 26 and 38, as best understood, Andes discloses the drive wheel arrangement with a braking effect (col 4, lines 42-55).

Regarding claims 27 and 39, as best understood, Andes discloses the drive wheel arrangement (fig 1, element 20) is in the form of laterally spaced independently to and from drivable drive wheels (fig 1, element 20) as mounted to the user accommodating part (fig 1, element 10) that are suitably positioned relative to the remainder of the carrier facility (fig 1, element 10) to also enable rotation of the aid (fig 1, element 10), at least when in its sitting transporter or standing transporter providing condition, into at least one of whichever conditions the carrier facility (fig 1, element 10) is convertible, about a substantially centrally extending upright axis.

Regarding claims 28 and 40, as best understood, Andes discloses user accommodating part (fig 1, element 10) engages with the wheeled base frame (fig 1, elements 42, 20 and 18) via laterally extending drive wheel carrying arms (fig 2, element 20) that each passes snugly displaceably along base frame presented sleeves (fig 2, element 28) and to the bottom ends of which arms the drive wheels (fig 2, element 20) are respectively mounted.

Regarding claims 29 and 41, as best understood, Andes discloses a multi-directionally propellable via castor wheels (fig 1, element 18) at least one of each being positioned at the outer corners of the wheeled base frame (fig 1, elements 18, 36 and 42) as correspondingly formed, the drive wheels (fig 1, element 20) thus being situated intermediate front and rear castor wheels found along each side of the wheeled base

frame.

Regarding claims 30 and 42, as best understood, Andes discloses the semi-enclosing frame (fig 1,element 24) is in the form of a transverse gripping handle providing frame member (fig 1,element 24) extending into upper end arms (fig 1,element 12) integrally incorporated in the user accommodating part, the gripping handle providing frame member (fig 1,element 24) also being employed for securing a backrest portion (fig 1,element 12) of the seat arrangement (fig 1,element 14) once the aid is in its sitting transporter providing condition, in the case of being so inter-convertible.

Regarding claims 31 and 44, as best understood, Andes discloses the carrier facility (fig 1,element 10) being appropriately inter-convertible, the seat arrangement (fig 1,element 14) includes a support grid (fig 2,element 12) supporting a seat base (fig 1,element 14) with the seat arrangement being releasably secured to the user accommodating part (fig 1,element 10) once the aid is in its sitting transporter providing condition, removal of the support grid (fig 2,element 12) and seat base (fig 1,element 14) and in the appropriate case further re-adjustment of the carrier facility (fig 1,element 10) thus enabling access of a user to the semi enclosing frame for using the aid as the walk supporter (fig 1,element 24) or as a standing transporter (fig 1,element 40), into whichever condition the aid is inter-convertible if not to both.

Regarding claims 32 and 45, as best understood, Andes discloses aid (fig 1, element

10) is inter-convertible, and the seat arrangement (fig 1, element 14) includes a seat base that is swivellably secured to the user accommodating part thus being displaceable between a seat base (fig 1, element 14) providing condition and a stored condition.

Regarding claims 33 and 46, as best understood, Andes discloses the carrier facility (12) is inter-convertible, and the standing base (fig 1, element 40), as involved in its inter-conversion into the standing transporter, is formed to extend at least partly intermediate the base frame (fig 1, element 40) while at least engaging with supports forming part of the user accommodating part to cause its downward urging into drive wheel to rolling base engagement once the aid, as inter-converted for use as a standing transporter, is occupied.

Regarding claims 34 and 47, as best understood, Andes discloses the aid is in its sitting transporter providing condition, and is thus formable into, on the one hand, its walk support (fig 1, element 24) or its standing transporter (fig 1, element 40) providing conditions, into at least one of whichever conditions the facility is convertible into, on the other hand, to face in opposite directions.

Regarding claim 35, as best understood, Andes discloses the user accommodating part (20) engages releasably with the wheeled base frame (fig 1, element 20, 18 and 42) enabling the collapsing of the carrier facility and thus the transporting aid (fig 1).

Regarding claims 36 and 48, as best understood, Andes discloses the carrier facility is comprised to be formed into the walk supporter (fig 1, element 24), the sitting transporter (fig 1, element 14) and the standing transporter (fig 1, element 40), in the latter two cases requiring relevant supplementation.

Regarding claim 43, as best understood, Andes discloses aid (fig 1, element 10) includes at least one of a seat arrangement (fig 1, element 14) and a standing base (fig 1, element 40) depending into whichever one of the walk support providing condition and the sitting transporter type condition such aid once assembled from the set is inter-convertible into, if not into both.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No.4, 251,105 teaches a mobility aid with biasing means.

US Patent No.5, 133,377 teaches an invalid walker with biasing means.

US Patent No.7, 004,272 teaches a convertible wheeled chair,walker with platform stand.

US Patent No.6, 273,444 teaches a convertible wheeled chair, walker with platform stand.

US Patent No.5, 778,996 teaches convertible wheelchair and walker.

US Patent No.5, 575,348 teaches a wheelchair, walker with stand.

US Patent No.5, 340,140 teaches a wheelchair, walker and stand.

US Patent No.4, 902,029 teaches a wheelchair, with walker and stand.

US Patent No.4, 096,920 teaches a shopping cart with stand.

US Patent No.5, 558,358 teaches a wheelchair/walker.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CYNTHIA F. COLLADO whose telephone number is (571)272-8315. The examiner can normally be reached on mon-fri 6-2.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
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